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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/954,291	10/20/1997	CURTIS L. TAYLOR	3053-28781	5965

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EXAMINER

PRICE, CARL D

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 05/22/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Advisory Action

Application No.

08/954,291

Applicant(s)

TAYLOR, CURTIS L.

Examiner

CARL D. PRICE

Art Unit

3743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04-02-2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): 1-12, 14-28, 36-53, 113, 114, 116-122.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

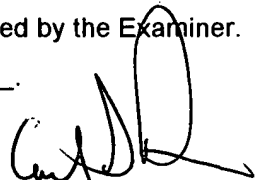
Claim(s) allowed: 1-12, 14-28, 36-53, 113, 114 and 116-122.

Claim(s) objected to: _____.

Claim(s) rejected: 13, 29-35 and 66-68.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


CARL D. PRICE
Primary Examiner
Art Unit: 3743

Continuation of 2. NOTE: Applicant has changed the scope of the invention set forth in proposed amended claim 66 by adding limitations not considered in the previous office action. The proposed amendments to claim 66 would therefore require further consideration and search.

Claim 13 remains rejected under 35 USC 112, second paragraph. Applicant has failed to comment on, or to amend, claim 13 to overcome the rejection under 35 USC 112, second paragraph.

Continuation of 10. Other: It is noted that applicant has not used the proper format in marking amended claim 66. To indicate omitted matter, the phrase "of claims 65" should be bracketed. Applicant's attention is directed to 37 CFR 1.173 (b)(2) and 1.173(d) which describe the procedure for making amendments in a reissue application. Each changed patent claim and each added claim must include markings pursuant to paragraph (d) of this section. Any changes relative to the patent being reissued that are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

- (1) The matter to be omitted by reissue must be enclosed in brackets; and
- (2) The matter to be added by reissue must be underlined.

Rejection of claims 1-53,66-68,113,114,116-122 based on a defective reissue declaration is withdrawn in view of applicant's Supplemental Declaration submitted in paper no. 18.

Applicant's remarks regarding reconsideration of the rejection under 35 USC 103(a), as being unpatentable in view of Japanese '227 in view of Japanese '132, have been found to be persuasive only with regard to claims 1-12,14-28,36-53,113,114 and 116-122.